(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.7703 of 2005
And
Writ Petition No.7704 of 2005

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri A.P.Kulkarni for the petitioners.

Shri A.G.Damle for Respondent Nos.1 to 3 in WP No.7703 of 2005.

CORAM: R.M.S.KHANDEPARKAR
&
SMT.ROSHAN DALVI, JJ

DATED: 16th JUNE, 2006.

P.C.

1. Heard. By these petitions, the petitioners are seeking declaration that the action of the respondents in recovering the salary paid to the petitioners from 1st April, 2001 to 30th September, 2002 from the ex-gratia amount paid to the petitioners under SBI VRS and refusing to pay interest on the terminal benefits for the delayed period from 1st April, 2001 till the date of actual payment is illegal and further that

the respondents to pay back total amount of Rs.4,66,019.74 ps. and Rs.4,29,641.57 ps. respectively, recovered from the ex-gratia paid under SBI VRS and also to direct the respondents to pay interest on the terminal benefits for the delayed period from 1st April, 2001 till the date of actual payment.

2. The scheme of VRS is purely a contractual matter and the parties are bound by the terms of the contract. Being so, question of interference in these matters in the writ jurisdiction does not arise. Needless to say that in case the other employees who have opted for VRS like the petitioners are benefited under the Scheme, the same benefits cannot be denied to the petitioners.

3. With these observations, the petitions are disposed of with liberty to the petitioners to take appropriate proceedings, if so desire.

(R.M.S.KHANDEPARKAR, J)

(SMT.ROSHAN DALVI, J)